

## Explanatory Statement

### Civil Aviation Act 1988

#### Designation — of airspace

#### Direction — Broadcast requirements and frequency

Section 98 of the *Civil Aviation Act 1988* (the *Act*) provides that the Governor-General may make regulations for the purposes of the Act and in relation to the safety of air navigation.

Paragraph 99A (1) (b) of the *Civil Aviation Regulations 1988* (**CAR 1988**) provides that CASA may designate airspace within defined horizontal and vertical limits as an area in which broadcast requirements apply. Paragraphs 99A (3) (a) and (b) provide that CASA may give directions specifying the broadcast requirements that apply to those designated areas, and the radio frequencies on which such broadcasts must be made. Subregulation 99A (4) provides that if CASA gives a direction it must publish details of it in the AIP.

Instrument CASA 202/05, made under subregulation 99A of CAR 1988, designates areas in which only radio-equipped aircraft may fly. It prescribes mandatory broadcast zones (**MBZ**) in which mandatory broadcasts requirements apply, states what those requirements are and provides for the radio frequencies on which those broadcasts are to be made.

Instrument CASA 203/05, made under subregulation 99A of CAR 1988, designates other areas known as Common Traffic Advisory Frequency areas (**CTAF**) in which non-radio-equipped aircraft may fly. However, when flying in these areas, radio-equipped aircraft must make certain broadcasts, on certain frequencies.

Bathurst Aerodrome is designated in a CTAF area. The Bathurst Car Races (**Races**) on 8 and 9 October 2005 will cause a significant increase in air traffic movements at Bathurst Aerodrome. For safety, this will require MBZ rather than existing CTAF broadcast procedures and therefore the relevant airspace will be designated as MBZ during this event, except for an area reserved for helicopter operations that will be declared by Airservices Australia as a Temporary Restricted Area R961. An AIP Supplement will be published setting out the change.

Apart from changes in format, the instrument is identical to CASA 504/04 issued last year for the Races. For the duration of the Races, it designates the airspace within a 15 NM radius of Bathurst Aerodrome (excluding R961) as an MBZ and directs the broadcast requirements, and radio frequency for them. The existing CTAF requirements under CASA 203/05 are suspended for Bathurst Aerodrome while the MBZ is in effect.

The instrument will have the effect that at Bathurst Aerodrome, the pilot in command of an aircraft, intending to fly through the area without landing, must, immediately on entering the area, broadcast certain information about the aircraft, including its callsign and type, its position and level and the pilot's intentions.

However, if the pilot in command intends to land at the aerodrome, the pilot must broadcast not only identifying information but also more detailed information on altitude, navigation and plan for landing.

Similarly, when taxiing for take-off from Bathurst Aerodrome, the pilot in command must broadcast information identifying the aircraft, aerodrome and runway, the intended destination or direction and if instrument flight rules (I.F.R.) are to be used. Information identifying the aircraft and runway, and a statement of the pilot's immediate intentions must be broadcast just before the aircraft enters the actual take-off runway.

### **Legislative Instruments Act 2003**

Under subsections 5 (1) and (4) of the *Legislative Instruments Act 2003 (LIA)* the directions are a legislative instrument, subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LIA.

Consultation under section 17 of the LIA has not been undertaken in this case because the instrument is essential for safety during the period of the Races and will apply to all aircraft flying through or at the aerodrome.

The instrument, which will be registered on the Federal Register of Legislative Instruments (FRLI), will commence at 6am local time on 8 October 2005, and will stop having effect at 10pm local time on Sunday 9 October 2005.

The instrument has been made on behalf of CASA by the Acting Manager, Airways and Aerodromes, Air Transport Operations Group, a delegate of CASA under subregulation 7 (1) of CAR 1988.

[Instrument number CASA 413/05]